

## House Republican Press Release

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### House Passes Winkler Legislation to Toughen Protective Orders



On Tuesday, May 31, the House of Representatives unanimously approved provisions in legislation introduced by State Rep. Lenny Winkler, R-Groton designed to strengthen protective orders issued in Connecticut. Senate Bill 34, An Act Authorizing The Issuance Of Protective Orders In Harassment Cases, now goes to Governor M. Jodi Rell for final approval.

Elements of legislation Rep. Winkler introduced at the start of the 2005 Legislative Session are included in SB 34, which increases penalties for criminal violation of a restraining order from a class A misdemeanor to a class D felony, thus, making the penalty the same as that for criminal violation of a protective order or a standing criminal restraining order. A class A misdemeanor is punishable by up to one year in prison, a \$ 2,000 fine, or both. A class D felony is punishable by up to five years in prison, a \$ 5,000 fine, or both.

“Issuing a protective order tells the offender that the court is aware of the danger they pose but to be effective, we must also make it clear that any violation carries severe penalties,” said Rep. Winkler “I believe the state needs to enact additional measures to strengthen protective orders but this bill represents a good start in the right direction.”

SB 34 also permits a court to issue a standing criminal restraining order when a person is convicted of criminal violation of a protective order or attempt or conspiracy to commit this crime. Like such restraining orders issued in other cases, the court must find that the (1) victim is a member of the offender's family or household member and (2) the order will best serve the victim and public's interest given the history, character and nature, and circumstances of the crime. By law, standing criminal restraining orders are effective until they are modified or revoked by the court.

In addition, the bill permits a court to issue a protective order when someone is arrested for 1<sup>st</sup> or 2nd degree harassment if it finds that the crime victim is in reasonable fear for his safety. It makes a technical correction by changing the penalty for violating a protective order, which must appear on all such orders, to reflect the current penalty provided in the state penal code.